

SENATE, No. 3915

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 10, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Makes permanent temporary enactment allowing certain alcoholic beverage retailers to sell and deliver alcoholic beverages and mixed drinks; establishes certain sale and delivery privileges for alcoholic beverage manufacturers.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the sale and delivery of alcoholic beverages,
2 supplementing Title 33 of the Revised Statutes, and amending
3 R.S.33:1-10 and R.S.33:1-12.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) a. The holder of a plenary retail consumption
9 license, plenary retail consumption license used in connection with
10 a hotel or motel, seasonal retail consumption license issued
11 pursuant to R.S.33:1-12, or concessionaire permit shall be entitled
12 to:

13 (1) sell on the licensed or permitted premises for consumption
14 off the licensed or permitted premises any alcoholic beverages in
15 original containers or in any other closed and sealed containers or
16 any distilled alcoholic beverages mixed or blended with other
17 alcoholic or nonalcoholic beverages in closed and sealed
18 containers; and

19 (2) deliver, by common carrier or otherwise, directly to the
20 residence of a consumer within this State who is 21 years of age or
21 older for consumption off the licensed or permitted premises any
22 alcoholic beverages in original containers or in any other closed and
23 sealed containers or any distilled alcoholic beverages mixed or
24 blended with other alcoholic or nonalcoholic beverages in closed
25 and sealed containers.

26 b. Containers in which alcoholic beverages are sold or
27 delivered pursuant to this section shall be affixed with a tamper
28 evident seal and may be of any size, except that containers, other
29 than original containers, in which any distilled alcoholic beverages
30 mixed or blended with other alcoholic or nonalcoholic beverages
31 are sold or delivered pursuant to this section shall have a maximum
32 capacity of 16 fluid ounces.

33
34 2. (New section) a. As used in this act, “out-of-State craft
35 manufacturer” means the holder of license issued by another state
36 that entitles the licensee to manufacture:

37 (1) malt alcoholic beverages in a quantity not to exceed 300,000
38 barrels of 31 fluid gallons capacity of malt alcoholic beverages per
39 year;

40 (2) wine in a quantity not to exceed 250,000 gallons per year;

41 (3) hard cider in a quantity not to exceed 50,000 barrels of 31
42 fluid gallons capacity per year;

43 (4) mead in a quantity not to exceed 250,000 gallons per year; or

44 (5) distilled alcoholic beverages in a quantity not to exceed
45 20,000 gallons per year.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. An out-of-State craft manufacturer shall be entitled to deliver
2 the licensee's products directly to the residence of a consumer within
3 this State who is 21 years of age or older in original containers for
4 personal consumption and not for resale. A license holder shall
5 transport alcoholic beverages pursuant to this section in a vehicle
6 owned, operated, or otherwise used in connection with the licensed
7 premises.

8 c. Any vehicle used by an out-of-State craft manufacturer to
9 deliver alcoholic beverages pursuant to this section shall display a
10 transit insignia issued by the director pursuant to R.S.33:1-28.

11 d. Nothing in this section shall be construed to limit or otherwise
12 affect sales or direct shipping privileges otherwise established by
13 statute, rule, or regulation for any license issued pursuant to R.S.33:1-
14 10.

15

16 3. R.S.33:1-10 is amended to read as follows:

17 33:1-10. Class A licenses shall be subdivided and classified as
18 follows:

19 Plenary brewery license. 1a. The holder of this license shall
20 be entitled, subject to rules and regulations, to brew any malt
21 alcoholic beverages and to sell and distribute his products to
22 wholesalers and retailers licensed in accordance with this chapter,
23 and to sell and distribute without this State to any persons pursuant
24 to the laws of the places of such sale and distribution, and to
25 maintain a warehouse; provided, however, that the delivery of this
26 product by the holder of this license to retailers licensed under this
27 title shall be from inventory in a warehouse located in this State
28 which is operated under a plenary brewery license. The fee for this
29 license shall be \$10,625.

30 Limited brewery license. 1b. The holder of this license shall
31 be entitled, subject to rules and regulations, to brew any malt
32 alcoholic beverages in a quantity to be expressed in said license,
33 dependent upon the following fees and not in excess of 300,000
34 barrels of 31 fluid gallons capacity per year and to sell and
35 distribute this product to wholesalers and retailers licensed in
36 accordance with this chapter, and to sell and distribute without this
37 State to any persons pursuant to the laws of the places of such sale
38 and distribution, and to maintain a warehouse; provided, however,
39 that the delivery of this product by the holder of this license to
40 retailers licensed under this title shall be from inventory in a
41 warehouse located in this State which is operated under a limited
42 brewery license. The holder of this license shall be entitled to sell
43 this product at retail to consumers on the licensed premises of the
44 brewery for consumption on the premises, but only in connection
45 with a tour of the brewery, or for consumption off the premises in a
46 quantity of not more than 15.5 fluid gallons per person, and to offer
47 samples for sampling purposes only pursuant to an annual permit

1 issued by the director. The holder of this license shall not sell food
2 or operate a restaurant on the licensed premises.

3 The holder of this license shall be entitled to deliver the
4 licensee's products directly to the residence of a consumer within or
5 without this State who is 21 years of age or older in original containers
6 for personal consumption and not for resale. A license holder shall
7 transport alcoholic beverages pursuant to this section in a vehicle
8 owned, operated, or otherwise used in connection with the licensed
9 premises. The license holder shall transport alcoholic beverages in a
10 vehicle that displays a transit insignia issued pursuant to R.S.33:1-
11 28.

12 The fee for this license shall be graduated as follows:

13 to so brew not more than 50,000 barrels of 31 liquid gallons
14 capacity per annum, \$1,250;

15 to so brew not more than 100,000 barrels of 31 fluid gallons
16 capacity per annum, \$2,500;

17 to so brew not more than 200,000 barrels of 31 fluid gallons
18 capacity per annum, \$5,000;

19 to so brew not more than 300,000 barrels of 31 fluid gallons
20 capacity per annum, \$7,500.

21 The holder of this license also shall be entitled to ship by
22 common carrier not more than 12 cases of malt alcoholic beverages
23 per year, subject to regulation, to any person within or without this
24 State over 21 years of age for personal consumption and not for
25 resale. A case of malt alcoholic beverages shall not exceed 288
26 ounces. A copy of the original invoice shall be available for
27 inspection by persons authorized to enforce the alcoholic beverage
28 laws of this State for a minimum period of three years at the
29 licensed premises of the brewery. The fee for this additional
30 shipping privilege shall be \$500.

31 For the purposes of this subsection, "sampling" means the selling
32 at a nominal charge or the gratuitous offering of an open container
33 not exceeding four ounces of any malt alcoholic beverage. For the
34 purposes of this subsection, "product" means any malt alcoholic
35 beverage that is produced on the premises licensed under this
36 subsection.

37 Restricted brewery license. 1c. The holder of this license shall be
38 entitled, subject to rules and regulations, to brew any malt alcoholic
39 beverages in a quantity to be expressed in such license not in excess
40 of 10,000 barrels of 31 gallons capacity per year. Notwithstanding
41 the provisions of R.S.33:1-26, the director shall issue a restricted
42 brewery license only to a person or an entity which has identical
43 ownership to an entity which holds a plenary retail consumption
44 license issued pursuant to R.S.33:1-12, provided that such plenary
45 retail consumption license is operated in conjunction with a
46 restaurant regularly and principally used for the purpose of
47 providing meals to its customers and having adequate kitchen and

1 dining room facilities, and that the licensed restaurant premises is
2 immediately adjoining the premises licensed under this subsection.
3 The holder of this license shall be entitled to sell or deliver the
4 product to that restaurant premises. The holder of this license also
5 shall be entitled to sell and distribute the product to wholesalers
6 licensed in accordance with this chapter. The fee for this license
7 shall be \$1,250, which fee shall entitle the holder to brew up to
8 1,000 barrels of 31 liquid gallons per annum. The licensee also shall
9 pay an additional \$250 for every additional 1,000 barrels of 31 fluid
10 gallons produced. The fee shall be paid at the time of application
11 for the license, and additional payments based on barrels produced
12 shall be paid within 60 days following the expiration of the license
13 term upon certification by the licensee of the actual gallons brewed
14 during the license term. No more than 10 restricted brewery
15 licenses shall be issued to a person or entity which holds an interest
16 in a plenary retail consumption license. If the governing body of the
17 municipality in which the licensed premises will be located should
18 file a written objection, the director shall hold a hearing and may
19 issue the license only if the director finds that the issuance of the
20 license will not be contrary to the public interest. All fees related to
21 the issuance of both licenses shall be paid in accordance with
22 statutory law. The provisions of this subsection shall not be
23 construed to limit or restrict the rights and privileges granted by the
24 plenary retail consumption license held by the holder of the
25 restricted brewery license issued pursuant to this subsection.

26 The holder of this license shall be entitled to offer samples of its
27 product for promotional purposes at charitable or civic events off
28 the licensed premises pursuant to an annual permit issued by the
29 director.

30 For the purposes of this subsection, "sampling" means the selling
31 at a nominal charge or the gratuitous offering of an open container
32 not exceeding four ounces of any malt alcoholic beverage product.
33 For the purposes of this subsection, "product" means any malt
34 alcoholic beverage that is produced on the premises licensed under
35 this subsection.

36 Out-of-State brewery license. 1d. Provided that the applicant
37 does not produce more than 300,000 barrels of 31 fluid gallons
38 capacity per year, the holder of a brewery license issued in any
39 other state may make application to the director for this license.
40 The holder of this license who produces not more than 300,000
41 barrels of 31 fluid gallons capacity per year may ship by common
42 carrier not more than 12 cases malt alcoholic beverages per year,
43 subject to regulation, to any person within or without this State over
44 21 years of age for personal consumption and not for resale. A case
45 of malt alcoholic beverages shall not exceed 288 ounces. A copy of
46 the original invoice shall be available for inspection by persons
47 authorized to enforce the alcoholic beverage laws of this State for a

1 minimum period of three years at the licensed premises of the
2 brewery. A copy of a current license issued by another state shall
3 accompany the application. The fee for this privilege shall be \$500.

4 The licensee shall collect from the customer the tax due on the
5 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
6 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
7 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
8 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
9 Department of the Treasury shall promulgate such rules and
10 regulations necessary to effectuate the provisions of this paragraph,
11 and may provide by regulation for the co-administration of the tax
12 due on the delivery of alcoholic beverages pursuant to the
13 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
14 administration of the tax due on the sale pursuant to the "Sales and
15 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

16 Plenary winery license. 2a. Provided that the holder is
17 engaged in growing and cultivating grapes or fruit used in the
18 production of wine on at least three acres on, or adjacent to, the
19 winery premises, the holder of this license shall be entitled, subject
20 to rules and regulations, to produce any fermented wines, and to
21 blend, fortify and treat wines, and to sell and distribute his products
22 to wholesalers licensed in accordance with this chapter and to
23 churches for religious purposes, and to sell and distribute without
24 this State to any persons pursuant to the laws of the places of such
25 sale and distribution, and to maintain a warehouse, and to sell his
26 products at retail to consumers on the licensed premises of the
27 winery for consumption on or off the premises and to offer samples
28 for sampling purposes only. The fee for this license shall be \$938.
29 A holder of this license who produces not more than 250,000
30 gallons per year shall also have the right to sell and distribute his
31 products to retailers licensed in accordance with this chapter, except
32 that the holder of this license shall not use a common carrier for
33 such distribution. The fee for this additional privilege shall be
34 graduated as follows: a licensee who manufactures more than
35 150,000 gallons, but not in excess of 250,000 gallons per annum,
36 \$1,000; a licensee who manufactures more than 100,000 gallons,
37 but not in excess of 150,000 gallons per annum, \$500; a licensee
38 who manufactures more than 50,000 gallons, but not in excess of
39 100,000 gallons per annum, \$250; a licensee who manufactures
40 50,000 gallons or less per annum, \$100.

41 A holder of this license who produces not more than 250,000
42 gallons per year shall have the right to sell such wine at retail in
43 original packages in 15 salesrooms apart from the winery premises
44 for consumption on or off the premises and for sampling purposes
45 for consumption on the premises, at a fee of \$250 for each
46 salesroom. Licensees shall not jointly control and operate
47 salesrooms.

1 The holder of this license who produces not more than 250,000
2 gallons per year shall be entitled to deliver the licensee's products
3 directly to the residence of a consumer within or without this State
4 who is 21 years of age or older in original containers for personal
5 consumption and not for resale. A license holder shall transport
6 alcoholic beverages pursuant to this section in a vehicle owned,
7 operated, or otherwise used in connection with the licensed premises.
8 The license holder shall transport alcoholic beverages in a vehicle that
9 displays a transit insignia issued pursuant to R.S.33:1-28.

10 Additionally, the holder of this license who produces not more
11 than 250,000 gallons per year may ship by common carrier not
12 more than 12 cases of wine per year, subject to regulation, to any
13 person within or without this State over 21 years of age for personal
14 consumption and not for resale. A case of wine shall not exceed a
15 maximum of nine liters. A copy of the original invoice shall be
16 available for inspection by persons authorized to enforce the
17 alcoholic beverage laws of this State for a minimum period of three
18 years at the licensed premises of the winery. For the purposes of
19 this subsection, "sampling" means the selling at a nominal charge or
20 the gratuitous offering of an open container not exceeding one and
21 one-half ounces of any wine.

22 A holder of this license who produces not more than 250,000
23 gallons per year shall not own, either in whole or in part, or hold,
24 either directly or indirectly, any interest in a winery that produces
25 more than 250,000 gallons per year. In addition, a holder of this
26 license who produces more than 250,000 gallons per year shall not
27 own, either in whole or in part, or hold, either directly or indirectly,
28 any interest in a winery that produces not more than 250,000
29 gallons per year. For the purposes of this subsection, "product"
30 means any wine that is produced, blended, fortified, or treated by
31 the licensee on its licensed premises situated in the State of New
32 Jersey. For the purposes of this subsection, "wine" shall include
33 "hard cider" and "mead" as defined in this section.

34 Farm winery license. 2b. The holder of this license shall
35 be entitled, subject to rules and regulations, to manufacture any
36 fermented wines and fruit juices in a quantity to be expressed in
37 said license, dependent upon the following fees and not in excess of
38 50,000 gallons per year and to sell and distribute his products to
39 wholesalers and retailers licensed in accordance with this chapter
40 and to churches for religious purposes and to sell and distribute
41 without this State to any persons pursuant to the laws of the places
42 of such sale and distribution, and to maintain a warehouse and to
43 sell at retail to consumers for consumption on or off the licensed
44 premises and to offer samples for sampling purposes only. The
45 license shall be issued only when the winery at which such
46 fermented wines and fruit juices are manufactured is located and
47 constructed upon a tract of land exclusively under the control of the

1 licensee, provided that the licensee is actively engaged in growing
2 and cultivating an area of not less than three acres on or adjacent to
3 the winery premises and on which are growing grape vines or fruit
4 to be processed into wine or fruit juice; and provided, further, that
5 for the first five years of the operation of the winery such fermented
6 wines and fruit juices shall be manufactured from at least 51
7 percent grapes or fruit grown in the State and that thereafter they
8 shall be manufactured from grapes or fruit grown in this State at
9 least to the extent required for labeling as "New Jersey Wine" under
10 the applicable federal laws and regulations. The containers of all
11 wine sold to consumers by such licensee shall have affixed a label
12 stating such information as shall be required by the rules and
13 regulations of the Director of the Division of Alcoholic Beverage
14 Control. The fee for this license shall be graduated as follows: to so
15 manufacture between 30,000 and 50,000 gallons per annum, \$375;
16 to so manufacture between 2,500 and 30,000 gallons per annum,
17 \$250; to so manufacture between 1,000 and 2,500 gallons per
18 annum, \$125; to so manufacture less than 1,000 gallons per annum,
19 \$63. No farm winery license shall be held by the holder of a plenary
20 winery license or be situated on a premises licensed as a plenary
21 winery.

22 The holder of this license shall also have the right to sell and
23 distribute his products to retailers licensed in accordance with this
24 chapter, except that the holder of this license shall not use a
25 common carrier for such distribution. The fee for this additional
26 privilege shall be \$100. The holder of this license shall have the
27 right to sell his products in original packages at retail to consumers
28 in 15 salesrooms apart from the winery premises for consumption
29 on or off the premises, and for sampling purposes for consumption
30 on the premises, at a fee of \$250 for each salesroom. Licensees
31 shall not jointly control and operate salesrooms.

32 The holder of this license shall be entitled to deliver the
33 licensee's products directly to the residence of a consumer within or
34 without this State who is 21 years of age or older in original
35 containers for personal consumption and not for resale. A license
36 holder shall transport alcoholic beverages pursuant to this section in a
37 vehicle owned, operated, or otherwise used in connection with the
38 licensed premises. The license holder shall transport alcoholic
39 beverages in a vehicle that displays a transit insignia issued pursuant
40 to R.S.33:1-28.

41 Additionally, the holder of this license may ship by common
42 carrier not more than 12 cases of wine per year, subject to
43 regulation, to any person within or without this State over 21 years
44 of age for personal consumption and not for resale. A case of wine
45 shall not exceed a maximum of nine liters. A copy of the original
46 invoice shall be available for inspection by persons authorized to
47 enforce the alcoholic beverage laws of this State for a minimum

1 period of three years at the licensed premises of the winery. For the
2 purposes of this subsection, "sampling" means the selling at a
3 nominal charge or the gratuitous offering of an open container not
4 exceeding one and one-half ounces of any wine.

5 A holder of this license who produces not more than 250,000
6 gallons per year shall not own, either in whole or in part, or hold,
7 either directly or indirectly, any interest in a winery that produces
8 more than 250,000 gallons per year.

9 Unless otherwise indicated, for the purposes of this subsection,
10 with respect to farm winery licenses, "manufacture" means the
11 vinification, aging, storage, blending, clarification, stabilization and
12 bottling of wine or juice from New Jersey fruit to the extent
13 required by this subsection.

14 For the purposes of this subsection, "wine" shall include "hard
15 cider" and "mead" as defined in this section.

16 Wine blending license. 2c. The holder of this license shall
17 be entitled, subject to rules and regulations, to blend, treat, mix, and
18 bottle fermented wines and fruit juices with non-alcoholic
19 beverages, and to sell and distribute his products to wholesalers and
20 retailers licensed in accordance with this chapter, and to sell and
21 distribute without this State to any persons pursuant to the laws of
22 the places of such sale and distribution, and to maintain a
23 warehouse. The fee for this license shall be \$625.

24 For the purposes of this subsection, "wine" shall include "hard
25 cider" and "mead" as defined in this section.

26 Instructional winemaking facility license. 2d. The
27 holder of this license shall be entitled, subject to rules and
28 regulations, to instruct persons in and provide them with the
29 opportunity to participate directly in the process of winemaking and
30 to directly assist such persons in the process of winemaking while
31 in the process of instruction on the premises of the facility. The
32 holder of this license also shall be entitled to manufacture wine on
33 the premises not in excess of an amount of 10 percent of the wine
34 produced annually on the premises of the facility, which shall be
35 used only to replace quantities lost or discarded during the
36 winemaking process, to maintain a warehouse, and to offer samples
37 produced by persons who have received instruction in winemaking
38 on the premises by the licensee for sampling purposes only on the
39 licensed premises for the purpose of promoting winemaking for
40 personal or household use or consumption. Wine produced on the
41 premises of an instructional winemaking facility shall be used,
42 consumed or disposed of on the facility's premises or distributed
43 from the facility's premises to a person who has participated
44 directly in the process of winemaking for the person's personal or
45 household use or consumption. The holder of this license may sell
46 mercantile items traditionally associated with winemaking and
47 novelty wearing apparel identified with the name of the

1 establishment licensed under the provisions of this section. The
2 holder of this license may use the licensed premises for an event or
3 affair, including an event or affair at which a plenary retail
4 consumption licensee serves alcoholic beverages in compliance
5 with all applicable statutes and regulations promulgated by the
6 director. The fee for this license shall be \$1,000. For the purposes
7 of this subsection, "sampling" means the gratuitous offering of an
8 open container not exceeding one and one-half ounces of any wine.

9 For the purposes of this subsection, "wine" shall include "hard
10 cider" and "mead" as defined in this section.

11 Out-of-State winery license. 2e. Provided that the
12 applicant does not produce more than 250,000 gallons of wine per
13 year, the holder of a valid winery license issued in any other state
14 may make application to the director for this license. The holder of
15 this license shall have the right to sell and distribute his products to
16 wholesalers licensed in accordance with this chapter and to sell
17 such wine at retail in original packages in 16 salesrooms apart from
18 the winery premises for consumption on or off the premises at a fee
19 of \$250 for each salesroom. Licensees shall not jointly control and
20 operate salesrooms. The annual fee for this license shall be \$938.
21 A copy of a current license issued by another state shall accompany
22 the application. The holder of this license also shall have the right
23 to sell and distribute his products to retailers licensed in accordance
24 with this chapter, except that the holder of this license shall not use
25 a common carrier for such distribution. The fee for this additional
26 privilege shall be graduated as follows: a licensee who
27 manufactures more than 150,000 gallons, but not in excess of
28 250,000 gallons per annum, \$1,000; a licensee who manufactures
29 more than 100,000 gallons, but not in excess of 150,000 gallons per
30 annum, \$500; a licensee who manufactures more than 50,000
31 gallons, but not in excess of 100,000 gallons per annum, \$250; a
32 licensee who manufactures 50,000 gallons or less per annum, \$100.
33 Additionally, the holder of this license may ship not more than 12
34 cases of wine per year, subject to regulation, to any person within or
35 without this State over 21 years of age for personal consumption
36 and not for resale. A case of wine shall not exceed a maximum of
37 nine liters. A copy of the original invoice shall be available for
38 inspection by persons authorized to enforce the alcoholic beverage
39 laws of this State for a minimum period of three years at the
40 licensed premises of the winery.

41 The licensee shall collect from the customer the tax due on the
42 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
43 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
44 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
45 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
46 Department of the Treasury shall promulgate such rules and
47 regulations necessary to effectuate the provisions of this paragraph,

1 and may provide by regulation for the co-administration of the tax
2 due on the delivery of alcoholic beverages pursuant to the
3 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
4 administration of the tax due on the sale pursuant to the "Sales and
5 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

6 A holder of this license who produces not more than 250,000
7 gallons per year shall not own, either in whole or in part, or hold,
8 either directly or indirectly, any interest in a winery that produces
9 more than 250,000 gallons per year.

10 For the purposes of this subsection, "wine" shall include "hard
11 cider" and "mead" as defined in this section.

12 Cidery and meadery license. 2f. The holder of this
13 license shall be entitled, subject to rules and regulations, to
14 manufacture hard cider and mead and to sell and distribute these
15 products to wholesalers and retailers licensed in accordance with
16 this chapter, and to sell and distribute without this State to any
17 persons pursuant to the laws of the places of such sale and
18 distribution, and to maintain a warehouse. The holder of this
19 license shall be entitled to sell these products at retail to consumers
20 on the licensed premises for consumption on or off the premises and
21 to offer samples for sampling purposes only. The holder of this
22 license shall be permitted to offer for sale or make the gratuitous
23 offering of packaged crackers, chips, nuts, and similar snacks to
24 consumers, but shall not operate a restaurant on the licensed
25 premises. The fee for this license shall be \$938.

26 The holder of this license shall be entitled to manufacture hard
27 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
28 capacity per year. With respect to the sale and distribution of hard
29 cider to a wholesaler, the licensee shall be subject to the same
30 statutory and regulatory requirements as a brewer, and hard cider
31 shall be considered a malt alcoholic beverage, for the purposes of
32 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243
33 (C.33:1-93.12 et seq.). **【The holder of this license shall not directly**
34 **ship hard cider either within or without this State.】** The holder of
35 this license shall be entitled to manufacture not more than 250,000
36 gallons of mead per year.

37 The holder of this license shall be entitled to deliver the
38 licensee's products directly to the residence of a consumer within or
39 without this State who is 21 years of age or older in original containers
40 for personal consumption and not for resale. A license holder shall
41 transport alcoholic beverages pursuant to this section in a vehicle
42 owned, operated, or otherwise used in connection with the licensed
43 premises. The license holder shall transport alcoholic beverages in a
44 vehicle that displays a transit insignia issued pursuant to R.S.33:1-
45 28.

46 The holder of this license may ship by common carrier not more
47 than 12 cases of mead and 12 cases of cider per year, subject to

1 regulation, to any person within or without this State over 21 years
2 of age for personal consumption and not for resale. A case of mead
3 or cider shall not exceed a maximum of nine liters. A copy of the
4 original invoice for the sale of mead or cider shall be available for
5 inspection by persons authorized to enforce the alcoholic beverage
6 laws of this State for a minimum period of three years at the
7 licensed premises. The fee for this additional shipping privilege
8 shall be \$500. As used in this subsection:

9 "Hard cider" means a fermented alcoholic beverage derived
10 primarily from apples, pears, apple juice concentrate and water, or
11 pear juice concentrate and water, which may include spices, herbs,
12 honey, or other flavoring, and which contains at least one half of
13 one percent but less than eight and one half percent alcohol by
14 volume.

15 "Mead" means an alcoholic beverage primarily made from
16 honey, water, and yeast, and which may contain fruit, fruit juices,
17 spices, or herbs added before or after fermentation has completed,
18 except that the ratio of fermentable sugars from fruit or fruit juices
19 shall not exceed 49 percent of the total fermentable sugars used to
20 produce mead.

21 "Sampling" means the selling at a nominal charge or the
22 gratuitous offering of an open container not exceeding four ounces
23 of hard cider or mead produced on the licensed premises.

24 Out-of-State cidery and meadery license. 1d. Provided that the
25 applicant does not produce more than 50,000 barrels of 31 fluid
26 gallons capacity of cider per year or not more than 250,000 gallons
27 of mead per year, the holder of a cidery or meadery license issued
28 in any other state may make application to the director for this
29 license. The holder of this license may ship not more than 12 cases
30 of mead and 12 cases of cider per year, subject to regulation, to any
31 person within or without this State over 21 years of age for personal
32 consumption and not for resale. A case of mead or cider shall not
33 exceed a maximum of nine liters. A copy of the original invoice for
34 the sale of mead or cider shall be available for inspection by
35 persons authorized to enforce the alcoholic beverage laws of this
36 State for a minimum period of three years at the licensed premises.
37 The holder of an Out-of-State winery license shall not be entitled to
38 acquire this license. A copy of a current license issued by another
39 state shall accompany the application. The annual fee for this
40 license shall be \$500.

41 The licensee shall collect from the customer the tax due on the
42 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
43 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
44 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
45 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
46 Department of the Treasury shall promulgate such rules and
47 regulations necessary to effectuate the provisions of this paragraph,

1 and may provide by regulation for the co-administration of the tax
2 due on the delivery of alcoholic beverages pursuant to the
3 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
4 administration of the tax due on the sale pursuant to the "Sales and
5 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

6 Plenary distillery license. 3a. The holder of this license shall
7 be entitled, subject to rules and regulations, to manufacture any
8 distilled alcoholic beverages and rectify, blend, treat and mix, and
9 to sell and distribute his products to wholesalers and retailers
10 licensed in accordance with this chapter, and to sell and distribute
11 without this State to any persons pursuant to the laws of the places
12 of such sale and distribution, and to maintain a warehouse. The fee
13 for this license shall be \$12,500.

14 Limited distillery license. 3b. The holder of this license shall
15 be entitled, subject to rules and regulations, to manufacture and
16 bottle any alcoholic beverages distilled from fruit juices and rectify,
17 blend, treat, mix, compound with wine and add necessary
18 sweetening and flavor to make cordial or liqueur, and to sell and
19 distribute to wholesalers and retailers licensed in accordance with
20 this chapter, and to sell and distribute without this State to any
21 persons pursuant to the laws of the places of such sale and
22 distribution and to warehouse these products. The fee for this
23 license shall be \$3,750.

24 Supplementary limited distillery license. 3c. The holder of this
25 license shall be entitled, subject to rules and regulations, to bottle
26 and rebottle, in a quantity to be expressed in said license, dependent
27 upon the following fees, alcoholic beverages distilled from fruit
28 juices by such holder pursuant to a prior plenary or limited distillery
29 license, and to sell and distribute his products to wholesalers and
30 retailers licensed in accordance with this chapter, and to sell and
31 distribute without this State to any persons pursuant to the laws of
32 the places of such sale and distribution, and to maintain a
33 warehouse. The fee for this license shall be graduated as follows:
34 to so bottle and rebottle not more than 5,000 wine gallons per
35 annum, \$313; to so bottle and rebottle not more than 10,000 wine
36 gallons per annum, \$625; to so bottle and rebottle without limit as
37 to amount, \$1,250.

38 Craft distillery license. 3d. The holder of this license shall be
39 entitled, subject to rules and regulations, to manufacture not more
40 than 20,000 gallons of distilled alcoholic beverages, to rectify,
41 blend, treat and mix distilled alcoholic beverages, to sell and
42 distribute this product to wholesalers and retailers licensed in
43 accordance with this chapter, and to sell and distribute without this
44 State to any persons pursuant to the laws of the places of such sale
45 and distribution, and to maintain a warehouse. The holder of this
46 license shall be entitled to sell this product at retail to consumers on
47 the licensed premises of the distillery for consumption on the

1 premises, but only in connection with a tour of the distillery, and
2 for consumption off the premises in a quantity of not more than five
3 liters per person. In addition, the holder of this license may offer
4 any person not more than three samples per calendar day for
5 sampling purposes only. For the purposes of this subsection,
6 "sampling" means the gratuitous offering of an open container not
7 exceeding one-half ounce serving of distilled alcoholic beverage
8 produced on the distillery premises. **Nothing in this subsection**
9 **shall be deemed to permit the direct shipment of distilled spirits**
10 **either within or without this State.**】

11 The holder of this license shall be entitled to deliver the
12 licensee's products directly to the residence of a consumer within or
13 without this State who is 21 years of age or older in original containers
14 for personal consumption and not for resale. A license holder shall
15 transport alcoholic beverages pursuant to this section in a vehicle
16 owned, operated, or otherwise used in connection with the licensed
17 premises. The license holder shall transport alcoholic beverages in a
18 vehicle that displays a transit insignia issued pursuant to R.S.33:1-
19 28.

20 The holder of this license may directly ship by common carrier
21 not more than twenty liters of distilled spirits for personal
22 consumption and not for resale per year to any person residing
23 within or without this State who is 21 years of age or older in original
24 containers for personal consumption and not for resale. A copy of the
25 original invoice shall be available for inspection by persons
26 authorized to enforce the alcoholic beverage laws of this State for a
27 minimum period of three years at the licensed premises of the
28 distillery. The fee for the additional shipping privilege shall be
29 \$500.

30 The holder of this license shall be entitled to sell on the licensed
31 premises for consumption off the licensed premises distilled
32 alcoholic beverages that are manufactured on the licensed premises
33 and mixed or blended with other alcoholic or nonalcoholic
34 beverages and sold in closed and sealed containers.

35 The holder of this license shall be entitled to sell on the licensed
36 premises for consumption off the licensed premises distilled
37 alcoholic beverages that are manufactured on the licensed premises
38 and sold in original containers and accompanied by one or more
39 nonalcoholic beverages or food stuffs that may be combined by the
40 consumer to prepare a mixed drink. Any food stuffs sold pursuant
41 to the subsection shall be sold only as a mixed drink ingredient and
42 not as a separate meal.

43 Containers in which distilled alcoholic beverages mixed with
44 other alcoholic or nonalcoholic beverages are sold pursuant to this
45 section shall be affixed with a tamper evident seal and have a
46 maximum capacity of 16 fluid ounces.

1 The holder of this license shall not sell food **[or]** aside from
2 foodstuffs sold as a mixed drink ingredient pursuant to this
3 subsection. A holder of this license who certifies that not less than
4 51 percent of the raw materials used in the production of distilled
5 alcoholic beverages under this section are grown in this State or
6 purchased from providers located in this State may, consistent with
7 all applicable federal laws and regulations, label these distilled
8 alcoholic beverages as "New Jersey Distilled." The fee for this
9 license shall be \$938.

10 Out-of-State Craft Distillery license 3e. Provided that the
11 applicant does not produce more than 20,000 gallons of distilled
12 alcoholic beverages per year, the holder of a valid distillery license
13 issued in any other state may make application to the director for
14 this license.

15 The holder of this license may ship by common carrier or
16 otherwise not more than twenty liters of distilled spirits per year,
17 subject to regulation, to any person within or without this State over
18 21 years of age for personal consumption and not for resale. A
19 copy of the original invoice shall be available for inspection by
20 persons authorized to enforce the alcoholic beverage laws of this
21 State for a minimum period of three years at the licensed premises
22 of the distillery. The fee for this license shall be \$500.

23 The licensee shall collect from the customer the tax due on the
24 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
25 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
26 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
27 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
28 Department of the Treasury shall promulgate such rules and
29 regulations necessary to effectuate the provisions of this paragraph,
30 and may provide by regulation for the co-administration of the tax
31 due on the delivery of alcoholic beverages pursuant to the
32 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
33 administration of the tax due on the sale pursuant to the "Sales and
34 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

35 Rectifier and blender license. 4. The holder of this license
36 shall be entitled, subject to rules and regulations, to rectify, blend,
37 treat and mix distilled alcoholic beverages, and to fortify, blend,
38 and treat fermented alcoholic beverages, and prepare mixtures of
39 alcoholic beverages, and to sell and distribute his products to
40 wholesalers and retailers licensed in accordance with this chapter,
41 and to sell and distribute without this State to any persons pursuant
42 to the laws of the places of such sale and distribution, and to
43 maintain a warehouse. The fee for this license shall be \$7,500.

44 Bonded warehouse bottling license. 5. The holder of this
45 license shall be entitled, subject to rules and regulations, to bottle
46 alcoholic beverages in bond on behalf of all persons authorized by
47 federal and State law and regulations to withdraw alcoholic

1 beverages from bond. The fee for this license shall be \$625. This
2 license shall be issued only to persons holding permits to operate
3 Internal Revenue bonded warehouses pursuant to the laws of the
4 United States.

5 The provisions of section 21 of P.L.2003, c.117 amendatory of
6 this section shall apply to licenses issued or transferred on or after
7 July 1, 2003, and to license renewals commencing on or after July
8 1, 2003.

9 (cf: P.L.2017, c.80, s.1)

10

11 4. R.S. 33:1-12 is amended to read as follows:

12 33:1-12. Class C licenses shall be subdivided and classified as
13 follows:

14 Plenary retail consumption license. 1. The holder of this license
15 shall be entitled, subject to rules and regulations, to sell any
16 alcoholic beverages for consumption on the licensed premises by
17 the glass or other open receptacle, and also to sell any alcoholic
18 beverages in original containers for consumption off the licensed
19 premises; but this license shall not be issued to permit the sale of
20 alcoholic beverages in or upon any premises in which a grocery,
21 delicatessen, drug store or other mercantile business is carried on,
22 except as hereinafter provided. The holder of this license shall be
23 permitted to conduct consumer wine, beer and spirits tasting events
24 and samplings for a fee or on a complimentary basis pursuant to
25 conditions established by rules and regulations of the Division of
26 Alcoholic Beverage Control, provided however, that the holder of
27 this license complies with the terms and conditions set forth in
28 section 3 of P.L.2009, c.216 (C.33:1-12d). The holder of this
29 license shall be entitled to sell and deliver alcoholic beverages for
30 consumption off the licensed premises pursuant to section 1 of
31 P.L. _____, c. (C.) (pending before the Legislature as this bill).

32 Subject to such rules and regulations established from time to
33 time by the director, the holder of this license shall be permitted to
34 sell alcoholic beverages in or upon the premises in which any of the
35 following is carried on: the keeping of a hotel or restaurant
36 including the sale of mercantile items incidental thereto as an
37 accommodation to patrons; the sale, at an entertainment facility as
38 defined in R.S.33:1-1, having a seating capacity for no less than
39 4,000 patrons, of mercantile items traditionally associated with the
40 type of event or program held at the site; the sale of distillers',
41 brewers' and vintners' packaged merchandise prepacked as a unit
42 with other suitable objects as gift items to be sold only as a unit; the
43 sale of novelty wearing apparel identified with the name of the
44 establishment licensed under the provisions of this section; the sale
45 of cigars, cigarettes, packaged crackers, chips, nuts and similar
46 snacks and ice at retail as an accommodation to patrons, or the retail
47 sale of nonalcoholic beverages as accessory beverages to alcoholic

1 beverages; or, in commercial bowling establishments, the retail sale
2 or rental of bowling accessories and the retail sale from vending
3 machines of candy, ice cream and nonalcoholic beverages. The fee
4 for this license shall be fixed by the governing board or body of the
5 municipality in which the licensed premises are situated, by
6 ordinance, at not less than \$250 and not more than \$2,500. No
7 ordinance shall be enacted which shall raise or lower the fee to be
8 charged for this license by more than 20% from that charged in the
9 preceding license year or \$500.00, whichever is the lesser. The
10 governing board or body of each municipality may, by ordinance,
11 enact that no plenary retail consumption license shall be granted
12 within its respective municipality.

13 The holder of this license shall be permitted to obtain a restricted
14 brewery license issued pursuant to subsection 1c. of R.S.33:1-10
15 and to operate a restricted brewery immediately adjoining the
16 licensed premises in accordance with the restrictions set forth in
17 that subsection. All fees related to the issuance of both licenses
18 shall be paid in accordance with statutory law.

19 Seasonal retail consumption license. 2. (1) The holder of this
20 license shall be entitled, subject to rules and regulations, to sell any
21 alcoholic beverages for consumption on the licensed premises by
22 the glass or other open receptacle, and also to sell any alcoholic
23 beverages in original containers for consumption off the licensed
24 premises, during the summer season from May 1 until November
25 14, inclusive, or during the winter season from November 15 until
26 April 30, inclusive.

27 (2) In addition, the director shall issue to the holder of this
28 license, upon request by the licensee, one-day permits that shall
29 entitle the license holder to sell alcoholic beverages for
30 consumption on the licensed premises during the season when the
31 license holder is not authorized to sell alcoholic beverages pursuant
32 to subparagraph (1) of this subsection. The number of one-day
33 permits issued to a licensee pursuant to this subsection shall not
34 exceed an aggregate of 14 permits in one calendar year. A one-day
35 permit issued pursuant to this subsection shall be valid for 24
36 consecutive hours. The fee for each one-day permit shall be \$500.

37 The governing body of the municipality in which the licensed
38 premises is situated may place reasonable conditions upon a one-
39 day permit for the purpose of maintaining public safety on the
40 licensed premises and immediately surrounding area. The costs
41 associated with the reasonable conditions placed on the one-day
42 permit shall be assumed by the holder of this license.

43 (3) This license shall not be issued to permit the sale of
44 alcoholic beverages in or upon any premises in which a grocery,
45 delicatessen, drug store or other mercantile business is carried on,
46 except as hereinafter provided. Subject to such rules and
47 regulations established from time to time by the director, the holder

1 of this license shall be permitted to sell alcoholic beverages in or
2 upon the premises in which any of the following is carried on: the
3 keeping of a hotel or restaurant including the sale of mercantile
4 items incidental thereto as an accommodation to patrons; the sale of
5 distillers', brewers' and vintners' packaged merchandise prepacked
6 as a unit with other suitable objects as gift items to be sold only as a
7 unit; the sale of novelty wearing apparel identified with the name of
8 the establishment licensed under the provisions of this section; the
9 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
10 snacks and ice at retail as an accommodation to patrons; or the retail
11 sale of nonalcoholic beverages as accessory beverages to alcoholic
12 beverages. The fee for this license shall be fixed by the governing
13 board or body of the municipality in which the licensed premises
14 are situated, by ordinance, at 75% of the fee fixed by said board or
15 body for plenary retail consumption licenses. The governing board
16 or body of each municipality may, by ordinance, enact that no
17 seasonal retail consumption license shall be granted within its
18 respective municipality.

19 (4) The holder of this license shall be entitled to sell and deliver
20 alcoholic beverages for consumption off the licensed premises
21 pursuant to section 1 of P.L. , c. (C.) (pending before the
22 Legislature as this bill).

23 Plenary retail distribution license. 3. a. The holder of this license
24 shall be entitled, subject to rules and regulations, to sell any
25 alcoholic beverages for consumption off the licensed premises, but
26 only in original containers; except that licensees shall be permitted
27 to conduct consumer wine, beer, and spirits tasting events and
28 samplings on a complimentary basis pursuant to conditions
29 established by rules and regulations of the Division of Alcoholic
30 Beverage Control, provided however, that the holder of this license
31 complies with the terms and conditions set forth in section 3 of
32 P.L.2009, c.216 (C.33:1-12d).

33 The governing board or body of each municipality may, by
34 ordinance, enact that this license shall not be issued to permit the
35 sale of alcoholic beverages in or upon any premises in which any
36 other mercantile business is carried on, except that any such
37 ordinance, heretofore or hereafter adopted, shall not prohibit the
38 retail sale of distillers', brewers' and vintners' packaged
39 merchandise prepacked as a unit with other suitable objects as gift
40 items to be sold only as a unit; the sale of novelty wearing apparel
41 identified with the name of the establishment licensed under the
42 provisions of this act; cigars, cigarettes, packaged crackers, chips,
43 nuts and similar snacks, ice, and nonalcoholic beverages as
44 accessory beverages to alcoholic beverages. The fee for this license
45 shall be fixed by the governing board or body of the municipality in
46 which the licensed premises are situated, by ordinance, at not less
47 than \$125 and not more than \$2,500. No ordinance shall be enacted

1 which shall raise or lower the fee to be charged for this license by
2 more than 20% from that charged in the preceding license year or
3 \$500.00, whichever is the lesser. The governing board or body of
4 each municipality may, by ordinance, enact that no plenary retail
5 distribution license shall be granted within its respective
6 municipality.

7 Limited retail distribution license. 3. b. The holder of this
8 license shall be entitled, subject to rules and regulations, to sell any
9 unchilled, brewed, malt alcoholic beverages in quantities of not less
10 than 72 fluid ounces for consumption off the licensed premises, but
11 only in original containers; provided, however, that this license
12 shall be issued only for premises operated and conducted by the
13 licensee as a bona fide grocery store, meat market, meat and
14 grocery store, delicatessen, or other type of bona fide food store at
15 which groceries or other foodstuffs are sold at retail; and provided
16 further that this license shall not be issued except for premises at
17 which the sale of groceries or other foodstuffs is the primary and
18 principal business and at which the sale of alcoholic beverages is
19 merely incidental and subordinate thereto. The fee for this license
20 shall be fixed by the governing body or board of the municipality in
21 which the licensed premises are situated, by ordinance, at not less
22 than \$31 and not more than \$63. The governing board or body of
23 each municipality may, by ordinance, enact that no limited retail
24 distribution license shall be granted within its respective
25 municipality.

26 Plenary retail transit license. 4. The holder of this license shall
27 be entitled, subject to rules and regulations, to sell any alcoholic
28 beverages, for consumption only, on railroad trains, airplanes,
29 limousines and boats, while in transit. The fee for this license for
30 use by a railroad or air transport company shall be \$375, for use by
31 the owners of limousines shall be \$31 per vehicle, and for use on a
32 boat shall be \$63 on a boat 65 feet or less in length, \$125 on a boat
33 more than 65 feet in length but not more than 110 feet in length,
34 and \$375 on a boat more than 110 feet in length; such boat lengths
35 shall be determined in the manner prescribed by the Bureau of
36 Customs of the United States Government or any federal agency
37 successor thereto for boat measurement in connection with issuance
38 of marine documents. A license issued under this provision to a
39 railroad or air transport company shall cover all railroad cars and
40 planes operated by any such company within the State of New
41 Jersey. A license for a boat or limousine issued under this
42 provision shall apply only to the particular boat or limousine for
43 which issued, and shall permit the purchase of alcoholic beverages
44 for sale or service in a boat or limousine to be made from any Class
45 A and B licensee or from any Class C licensee whose license
46 privilege permits the sale of alcoholic beverages in original
47 containers for off-premises consumption. An interest in a plenary

1 retail transit license issued in accordance with this section shall be
2 excluded in determining the maximum number of retail licenses
3 permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

4 Club license. 5. The holder of this license shall be entitled,
5 subject to rules and regulations, to sell any alcoholic beverages but
6 only for immediate consumption on the licensed premises and only
7 to bona fide club members and their guests. The fee for this license
8 shall be fixed by the governing board or body of the municipality in
9 which the licensed premises are situated, by ordinance, at not less
10 than \$63 and not more than \$188. The governing board or body of
11 each municipality may, by ordinance, enact that no club licenses
12 shall be granted within its respective municipality. Club licenses
13 may be issued only to such corporations, associations and
14 organizations as are operated for benevolent, charitable, fraternal,
15 social, religious, recreational, athletic, or similar purposes, and not
16 for private gain, and which comply with all conditions which may
17 be imposed by the Director of the Division of Alcoholic Beverage
18 Control by rules and regulations.

19 The provisions of section 23 of P.L.2003, c.117 amendatory of
20 this section shall apply to licenses issued or transferred on or after
21 July 1, 2003, and to license renewals commencing on or after July
22 1, 2003.

23 Sporting facility license. 6. The holder of this license shall be
24 entitled, subject to rules and regulations, to sell at retail or to serve
25 any alcoholic beverages as the owner, operator, lessee, or
26 concessionaire of a sporting facility by the glass or other receptacle
27 or in original containers only on the premises of the sporting
28 facility.

29 Notwithstanding any other provision of Title 33 of the Revised
30 Statutes and subject to conditions established by the director, the
31 holder of this license may share direction and control of the
32 premises to be licensed and share proceeds and profits from the sale
33 of alcoholic beverages with the owner, operator, concessionaire, or
34 lessee of the facility. The holder of this license shall be permitted
35 to conduct consumer wine, beer, and spirits tasting events and
36 samplings for a fee or on a complimentary basis provided, however,
37 the license holder complies with the provisions of section 3 of
38 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated
39 thereto. Notwithstanding any law, rule or regulation to the
40 contrary, the holder of this license shall be entitled to establish an
41 all-inclusive area within the licensed sporting facility, provided the
42 all-inclusive area is limited to one area within the sporting facility
43 for each game or event and the capacity of the all-inclusive area
44 does not exceed 500 persons.

45 The fee for this license shall be \$2,500 for venues with a
46 capacity of less than 7,500 persons; \$5,000 for venues with a
47 capacity of not less than 7,500 persons but not more than 14,999

1 persons; \$7,500 for venues with a capacity of not less than 15,000
2 persons but not more than 22,499 persons; and \$10,000 for venues
3 with a capacity of 22,500 persons or more.

4 For the purposes of this subsection:

5 "Sporting facility" means a stadium, arena, team training facility,
6 or similar venue located on public property where alcoholic
7 beverages are served or sold at retail for consumption on the
8 premises by the glass or other open receptacle or in original
9 containers.

10 "Team training facility" shall include team offices and team
11 headquarters.

12 (cf: P.L.2018, c.147, s.1)

13
14 5. This act shall take effect immediately.

17 STATEMENT

18
19 This bill makes permanent provisions of P.L.2020, c.33, which
20 temporarily granted retail licensees and craft distillery licensees
21 certain privileges in response to the COVID-19 pandemic.
22 Specifically, the bill allows the holder of plenary retail consumption
23 licenses, hotel or motel licenses, seasonal retail consumption
24 licenses, or concessionaire permits, generally issued to bars and
25 restaurants, to sell and deliver alcoholic beverages in original
26 containers or in closed and sealed containers, and mixed cocktails
27 in closed and sealed containers for consumption off the licensed
28 premises.

29 In addition, the bill allows craft distillery licensees to sell for
30 consumption off the licensed premises distilled alcoholic beverages
31 that are manufactured on the licensed premises and mixed or
32 blended with other alcoholic or nonalcoholic beverages and sold in
33 closed and sealed containers. The bill also allows craft distilleries
34 to sell distilled alcoholic beverages in original containers
35 accompanied by one or more nonalcoholic beverages or foodstuffs
36 that may be combined by the consumer to prepare a mixed drink.

37 Under the bill, mixed drinks are to be sold in closed and sealed
38 containers that are affixed with a tamper evident seal and hold not
39 more than 16 fluid ounces. Any other alcoholic beverages may be
40 sold and delivered in original containers of any size.

41 In addition, the bill allows certain in-State and out-of-State craft
42 alcoholic beverage manufacturers to deliver their products in
43 original containers directly to the residence of a consumer within or
44 without this State who is 21 years of age or older. The bill extends this
45 home delivery privilege to the holder of a limited brewery license,
46 plenary winery license that annually produced 250,000 gallons of wine
47 or less, farm winery license, craft distillery license, cidery and

1 meadery license, and their out-of-State counterparts. The bill requires
2 in-State and out-of-State licensees to transport alcoholic beverages in a
3 vehicle that displays a transit insignia issued by the Director of the
4 Division of Alcoholic Beverage Control and is owned, operated, or
5 otherwise used in connection with the licensed premises.

6 The bill also allows these in-State and out-of-State craft
7 manufacturers to ship via common carrier their products directly to
8 consumers within or without this State who are 21 years of age or
9 older. Under current law, only small plenary wineries that produce
10 250,000 gallons or less per year, farm wineries, and meaderies are
11 permitted to directly ship their products directly. Under the bill, a
12 limited brewery licensee would be entitled to ship up to 12 cases of
13 beer to a customer annually. The bill prohibits a single case of beer
14 from exceeding 288 ounces. The bill allows cideries to ship up to
15 12 cases of cider to a consumer; a case of cider is not to exceed nine
16 liters. Craft distilleries would be entitled to ship up to 20 liters of
17 distilled spirits per year consumers. The fee for this direct shipping
18 privilege would be \$500.